

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

NOTICE OF DEPOSITION

To: Todd W. Ruskamp
Shook, Hardy & Bacon, L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108-2613

Attorneys for Wendover Financial Services Corp.

YOU ARE HEREBY NOTIFIED that pursuant to Federal Rule of Civil Procedure 30(b)(6), Wendover Financial Services Corp. shall designate one or more persons to testify on its behalf with respect to the matters set forth in **Exhibit A**. The deposition will be recorded by stenographic means and will be used in the above-entitled cause on the part of Plaintiffs and the Class. The deposition will be taken at Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, Pennsylvania 19103-2921 **on June 5, 2012 at 9:00 a.m.** and shall continue thereafter from day to day until concluded. You are further advised that given the scope of Plaintiffs' claims, the anticipated number of representatives to testify, and the number of matters upon which examination is requested, the deposition may continue on June 6, 2012.

A list of the matters upon which the representative(s) will be examined is attached as
Exhibit A.

Dated: May 24, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ R. Frederick Walters
R. Frederick Walters – Mo. Bar 25069
J. Michael Vaughan Mo. – Bar 24989
Kip D. Richards – Mo. Bar 39743
David M. Skeens – Mo. Bar 35728
Karen W. Renwick – Mo. Bar 41271
Garrett M. Hodes – Mo. Bar 50221
Matthew R. Crimmins – Mo. Bar 53138
Bruce V. Nguyen – Mo. Bar 52893
2500 City Center Square
1100 Main Street
P.O. Box 26188
Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)
**ATTORNEYS FOR PLAINTIFFS
AND CLASS COUNSEL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 24th day of May, 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants.

/s/ R. Frederick Walters

EXHIBIT A

DEFINITIONS

1. **Wendover Financial Services, Corp., You or Your.** The name “Wendover Financial Services Corp.,” “You,” and “your,” shall refer individually and collectively to the Defendant Wendover Financial Services Corp., its officers, directors, employees, attorneys, investigators or other representatives or agents, and to any merged, consolidated or acquired predecessor or successor corporation or entity related to Wendover Financial Services Corp., including Wendover Funding, Inc., and includes all employers of all persons executing any verification pages on interrogatories propounded by Plaintiffs to Wendover Financial Services Corp., or any persons previously appearing for a deposition in this matter on behalf of Wendover Financial Services Corp.

2. **Class Members’ Loans.** The term “Class Members’ Loans” means those loans identified on the spreadsheet attached hereto as **Exhibit A-1** and any second mortgage loan secured by an interest in residential real estate in Missouri that was (1) originated by Preferred Credit Corporation (f/k/a Preferred Mortgage Corp.) (a/k/a T.A.R. Preferred Credit) (a/k/a T.A.R. Preferred Mortgage Corporation) and (2) was purchased, received by assignment, otherwise acquired by, or serviced by Wendover Financial Services Corp.

3. **Preferred Credit Corporation.** The term “Preferred Credit Corporation” includes Preferred Credit Corporation, Preferred Mortgage Corp., T.A.R. Preferred Credit, and T.A.R. Preferred Mortgage Corporation.

MATTERS UPON WHICH EXAMINATION IS REQUESTED

Responses to Plaintiffs' Discovery

1. Wendover Financial Services Corp.'s disclosures and responses to Plaintiffs' interrogatories and request for production of documents, including any amended and supplemental responses thereto.

Your Corporate Structure and Organization

2. The names and organization of all entities through which You acquired or serviced the Class Members' Loans.

3. The corporate organization or structure that includes Wendover Financial Services Corp..

Record Retention and Authentication

4. With respect to the documents and records requested by Plaintiffs in this lawsuit: (a) the existence and whereabouts of all requested documents and records; (b) your search for all documents and records; (c) persons with responsibility for the search for responsive documents and records; and (d) the identity(ies) of all custodians of documents.

5. With respect to the loan files and loan payment histories for the Class Members' Loans: (a) their past and current existence; (b) their past and current whereabouts; (c) your search for the loan files and loan payment histories for the Class Members' Loans; (d) persons with responsibility for the search for the loan files and loan payment histories for the Class Members' Loans; and (e) the identity(ies) of all custodians of the Class Members' loan files and loan payment histories.

6. With respect to all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation:

(a) their past and current existence; (b) their past and current whereabouts; (c) your search for all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation; (d) persons with responsibility for the search for all documents and records concerning your relationship and agreements with Preferred Credit Corporation; and (e) the identity(ies) of all custodians of all documents and records concerning your relationship and agreements with any of the Defendants in this lawsuit, including Preferred Credit Corporation.

7. Your record retention requirements, record keeping system(s) and document/information-retention policies including, without limitation, the method(s) by which You kept or maintained the documents and electronic data generated in connection with Your purchase and ownership of the Class Members' Loans.

State Licensure

8. Your license in Missouri, or any license exemption in the State of Missouri, which permits You to originate, acquire and/or service mortgage loans.

Agreements with the Defendants and the Originating Lender

9. The Sub-Servicing Agreement between Imperial Credit Industries, Inc. and Wendover Funding, Inc.

10. Any other agreement, and any amendments thereto, through which You serviced or purchased, received by assignment, or otherwise acquired loans originated by Preferred Credit Corporation.

11. Your relationship with the defendants in this lawsuit, including Preferred Credit Corporation, including the nature of all agreements, amendments to agreements, or commitments to purchase, with respect to the servicing, origination, purchase and/or sale of mortgage loans.

Loan Servicing.

12. The servicing of the Class Members' Loans, including the identities and descriptions of any operations or actions performed with respect to the Class Members' Loans by any "servicer," "master servicer" or "subservicer."

13. The agreements, and amendments thereto, which relate to or govern the servicing of the Class Members' Loans, including but not limited to the July 31, 1998 Sub-Servicing Agreement between Imperial Credit Industries, Inc. and Wendover Funding, Inc.

14. The loan payment or loan servicing histories for the Class Members' Loans.

15. The identification of Your policies and procedures, the documents or records which You relied upon, and the computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to satisfy any due diligence or compliance requirement, or to perform such functions for You, in connection with Your servicing of mortgage loans, including the Class Members' Loans.

16. The creation, maintenance and use of electronic records by You in connection with the servicing of the Class Members' loans, including the meaning, interpretation and authentication of all loan payment and collection summaries or histories, including all summaries or reproductions of such electronic records produced by You.

17. Your use and reliance upon any electronic records of loan payments or loan payment or collection histories or summaries which were created, maintained or used by any entity servicing the Class Members' loans prior to You, including the interpretation and authentication of such summaries or reproductions of such electronic records.

18. Access to, use and electronic copies of the electronic data that makes up the loan payment histories with respect to the Class Members' Loans.

19. Definitions, keys, lists of possible reports, or sorts of such data or other information necessary to understand the electronic data maintained by You or any prior servicers with respect to the Class Member's Loans, including the interpretation and authentication of such information.

20. The data and documents that were provided to You and/or required by You at the time of or in connection your acquisition of the right and obligation to service the loans.

21. All documents and data concerning the Class members' loans that You reviewed and/or relied upon in connection with your servicing of the Class members' loans.

Audits and Loan Repurchases

22. Any audits of You or your operations performed by You, a third party retained by You, a third party not retained by You, or any state or federal regulator.

Documents Produced by You

23. The documents produced by You in this lawsuit.

Joint Defense Agreements

24. Your agreements, if any, with any other Defendant or Defendants related to the defense of this lawsuit.

Third Party Services in Connection with the Servicing of Mortgage Loans

25. The services performed by any third parties or consultants in connection with your servicing of the Class Members' loans or any loans originated by Preferred Credit Corporation, including the nature of any independent audits, accountings, reports or due diligence or compliance services that were performed for you or that you reviewed or relied upon in connection with your servicing of the Class Members' loans or any loans originated by Preferred Credit Corporation.

Representations and Warranties

26. Any representations and/or warranties made by any of the Defendants, or any other entity, including Preferred Credit Corporation, connection with your servicing of the Class Members' loans.

27. The identification of all of Your policies and procedures, all documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that You relied upon in connection with your reliance on the representations and/or warranties made by any of the Defendants, or any other entity, including Preferred Credit Corporation, connection with your servicing of the Class Members' loans.

28. Your contention, if any, that any of the Defendants, or any other entity, including Preferred Credit Corporation, breached or violated any representation or warranty made to You pursuant to any asset or mortgage loan purchase agreement between You and Preferred Credit Corporation.

Compliance and Due Diligence

29. Your due diligence and compliance review of loans in connection with the servicing of loans, including the Class Members' Loans.

30. The policies and procedures used by You or relied upon by You, including your use of any computer programs, Internet-based services or other applications to determine whether the loans that You serviced complied with any applicable state or federal laws.

31. Your policies and procedures, the documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge

not permitted or authorized by state law, including Missouri law, in connection with the mortgage loans that You acquired or serviced, including loans originated by Preferred Credit Corporation and the Class Members' Loans.

32. Your policies and procedures, the documents or records which You relied upon, and all computer programs, Internet-based services or other applications that were used by You or that were relied upon by You to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge not permitted or authorized by Missouri law in connection with the mortgage loans that You acquired or serviced, including loans originated by Preferred Credit Corporation and the Class Members' Loans.

33. The identification and/or use of any policies, guidelines, or procedures, computer programs, internet-based applications that You used or relied upon to determine whether the settlement charges and fees charged on the Class Members' Loans complied with Missouri state law or regulation.

34. The identity, use and whereabouts of any charts, matrix or matrices, schedules, summary, publications, resource materials or other documents, including all computer programs, Internet-based services, and electronic applications and mechanism, used by You or relied upon by You or that You consulted in conjunction with Your servicing of any loans to determine whether the originating lender, including Preferred Credit Corporation, charged, contracted for and/or received any closing cost or settlement charge not permitted or authorized by state law, including Missouri law, originated by Preferred Credit Corporation, including the Class Members' Loans.

Wendover Financial Services Corporation	
Gilmor Loans	
<u>Wendover Loan #</u>	<u>Last Name</u>
42747	Kunkelman
43356	Richards
47382	Thomas
47464	Mueller
48025	Watson
49213	Ellis
49221	McDowell
49346	Nepote
50617	Loesche
50625	Brown
50633	Kellenberger
50716	Thomas
50757	Lumatto
50765	Dunham
50831	Richenberger
53041	Woodward
56028	Coons
57224	Russell
57349	Fefel
62208	Abel
62570	Sanders
62596	Stigall
66084	Edson
66183	Moravcik
66944	Hall
67017	Krejci
67025	Eilers
67041	Morgan
67058	Rouse
67066	Todd
67074	Hilliard
69716	Hunter
70573	Rennaker
70631	Caton
71704	Brooks
71712	Newman
72314	Ewart
73411	Mumford
75127	Wensel
75135	Phipps
75416	Lazendorf
75705	Penny
75713	Wargo

75721	Ayotte
75739	Rockett
81935	Steinhauser
81943	Lattrace
81950	Gardner
82297	Dumey
83139	Klein
83931	Rock
83949	Flores
84624	Clark
85068	Harris
85084	Pietschmann
85399	Boyd
86884	Kemp
87775	Sery
87783	Barnett
87791	Hughley
88104	Rolfe
91579	Edwards
91595	Storjohann
91629	White
91637	Burton
91645	Russo
91660	Jenkins
91678	Sandstedt
93948	Hudson
96859	McCulloch
96867	Harman
98178	Bryant
98442	Johnson
99259	Gooch
99282	White
100339	Collier
101485	Massey
102780	Winegar
102947	Okafor
104646	Harrell
105122	Duck
105163	Meyer
106773	Weathersby
106807	Lynch
106856	Perkins
106872	Baird
106971	Abbott
107334	Wagaman
108373	Unger
108407	Cox
108910	Gilmor
109561	Miller
109579	Wilson
109595	Uminn
110353	Morris

112938	Guyre
112961	Rinck
113001	Hurst
113019	Pigg
113027	Soard
115055	Phipps
115097	Luetkemeyer
115360	Collins
119552	Mooney
119602	Chiesa
119610	Keeney